

MEETING #8 – March 1

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on March 1, 2017 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Robert Campbell, Member
Kevin McGhee, Member
Charlotte Hoffman, Member
V. R. Shackelford, III, County Attorney
Daniel J. Campbell, County Administrator
Betty Grayson, Zoning Administrator

ABSENT: Charlotte Hoffman, Member

Planning Commission:

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes

The minutes of the February 1, 2017 meeting were approved as presented.

3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

48-8 **a. Case No. SU-03-17-03:** Request by Tyler W. and Heather N. Hochstetler for an indefinite special use permit to permit a single family detached dwelling and such dwelling was lawfully built prior to the date of this special use application. This property is located at 2452 S. Seminole Trail (Route 29 Southbound Lane) and contains 5.740 acres of land near Madison, zoned B-1. Anthony Hurlock (VDOT) approved the request on February 6, 2017 by letter with conditions. Currently, the request does not have approval from the Madison Health Department. Betty Grayson, Zoning Administrator, has spoken with Susan Fortenberry today on this matter and was advised that the Madison Health Department would have no problem with the County approving the special use permit, pending approval by the Madison Health Department.

David Hochstetler, applicant, was present to answer any questions pertaining to tonight's request.

Mr. Yowell, Chair, asked if the applicant was aware that approval hadn't been attained from the Madison Health Department.

Mr. Hochstetler advised that Ms. Grayson contacted him regarding the lack of approval (from the Madison Health Department). In closing, he thanked the commission for discussing his case despite pending approval from the Madison Health Department.

Mr. Yowell, Chair, read the following VDOT conditions for the record:

"VDOT requests that a permit be obtained to upgrade the existing entrance and clear vegetation obstructing site distance to conform to VDOT's current standards, based upon details of the special use permit requested for Tax Map 48-8 in B-1; however, VDOT's conditional approval is only for the use of: one (1) single family dwelling as requested to be served by the one existing primary entrance. Any additional activities and/or use of this parcel other than the requested shall require additional review and approval of the entrance by VDOT to include improvements as required to confirm to current VDOT specs and standards, at that time."

Mr. Yowell, Chair, questioned if the applicant was in acceptance of the aforementioned VDOT conditions as read.

Mr. Hochstetler advised that he did speak with Mr. Hurlock; although today's request has VDOT approval, the aforementioned requirements will be ongoing for the existing driveway.

Concerns from the Commission:

- ✓ Focused on the fact that the special use permit is for an existing residence
- ✓ Questioned if the applicant plans to put an office building on the site in the future
- ✓ The request will call for 'mixed uses' by way of a special use permit
- ✓ SUP being sought tonight is indefinite

Mr. Yowell, Chair, noted that the County's existing ordinance states that 'any special use permit for any purpose in a B-1 zone can be accepted or not permitted by the Madison County Planning Commission.

Mr. Hochstetler advised that the property in discussion has almost 6.0 acres of land; he advised that the site will be used as a residence at the present time. Feel there is potential for a subdivision to the left side and there is ample room for multiple uses, but these issues will be addressed in the future, if necessary.

Ms. Grayson, Zoning Administrator, referred to following language in the existing ordinance that pertains to 'non-conforming' uses:

"If there is a use or a structure in place that goes for two (2) years without being used, 'grandfather status' is no longer accepted, and the applicant will have to meet the current regulations noted in the existing ordinance."

Ms. Grayson, Zoning Administrator, also noted that the house involved with tonight's case has been vacant for many years, and was in place long before tonight's SUP application was submitted. She further stated that the applicant isn't requesting to subdivide the property and will be using the existing entrance that is already in place. However, in the event the applicant should decide to come before the County in the future to apply for a site plan to put an office building on the property, he will have to move through the same process for site plan approval from VDOT and the Madison Health Department.

Mr. Hochstetler advised that (in his opinion) the property has been an eyesore, and it's his goal to clean the place up, get the lights back in working order and make something out of the property. In closing, he advised that based on his conversation with Mr. Hurlock, VDOT wasn't conditioning clean-up, but advised that the property would need to be clear in the future.

After discussion, the Madison County Planning Commission recommended that Case No. SU-03-17-03 be tabled due to the absence of approval by the Madison Health Department.

Discussion:

Mr. Yowell, Chair, noted that in talking with representatives from the Madison Health Department this afternoon, it was communicated that the department would be fine with the County recommending approval of tonight's case, pending approval (by the Madison Health Department).

Ms. Grayson, Zoning Administrator, advised that she spoke with Susan Fortenberry and she advised acceptance of approval by the County pending departmental approval. She noted that the representative from Rappahannock County advised that review hadn't been completed, and also verbalized acceptance of the County approving the request contingent upon approval by the Madison Health Department.

****Motion to table the case was defeated****

After discussion, the Madison County Planning Commission recommended that Case No. SU-03-17-03 be approved for a special use permit pending approval by the Madison Health Department and with the conditions as set by VDOT.

50-14 ***b. Case No. S-03-17-04:*** Request by Leonard George Willett and Deanna Carol Padgett for a plat of a subdivision of land to create one (1) lot with residue. This lot is located on Route 634 (Oak Park Road) near Oak Park, zoned A-1. The residue is located on Route 607 (Elly Road). Final plat has approval from VDOT and the Madison Health Department. Final plat has been approved by VDOT and the Madison Health Department.

Leonard Willett, applicant, was present to answer any questions pertaining to tonight's case.

After discussion, the Madison County Planning Commission recommended that Case No. S-03-17-04, be presented to the Madison County Board of Supervisors for approval.

Mr. Yowell, Chair, advised that:

- ✓ The workshop will be scheduled for March 15, 2017
- ✓ The Agenda will call for discussion of committee reports
- ✓ Discussion will also focus on status of the groups that have been interviewed (regarding the comprehensive plan)
- ✓ Commission members will be asked for thoughts and input

Ms. Grayson, Zoning Administrator, asked all in attendance to sign a card for Pete Elliott, Commission member.

4. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's session.

Board of Supervisors

Call to Order

Chairman Jackson called the Board's portion of tonight's meeting to order; Supervisor Hoffman is absent; a quorum was established.

1. Determine Presence of a Quorum

2. Adoption of Agenda

Supervisor Campbell moved to adopt the Agenda as presented, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee. Absent: Hoffman. Nays: (0).*

3. Action Items

50-54B a. Case No. SU-03-17-03: Request by Tyler W. and Heather N. Hochstetler.....

Comments from the Board:

- Supervisor Campbell: Feels the County is here to serve the citizens; verbalized discontent with the existing ordinance – feels changes are necessary; also verbalized concerns regarding VDOT regulations, and other requirements; suggested the applicant be allowed to move forward; questioned why the Madison Health Department needs to approve the septic system in the dwelling; verbalized disfavor of bureaucracy
- Supervisor Weakley: Thanked the applicant for locating a business in the County

Mr. Hochstetler, applicant, was present to answer any questions pertaining to tonight's request; he also noted that he's willing to follow any suggestions (pertaining to the dwelling) as requested by the Madison Health Department.

Supervisor Campbell moved the Board approve Case No. SU-03-17-03, (excluding recommendations by the Madison County Planning Commission [i.e. VDOT regulations, Madison Health Department approval], and allow the applicant to start working on his house (based on recommendations provided from T. A. Houston, Inc.), seconded by Supervisor Weakley.

Discussion:

- Chairman Jackson: Questioned the motion to exclude requirements by VDOT and the Madison Health Department; feels that VDOT's requirements are pertinent and can be easily addressed; noted that the Madison Health Department has had the request for more than thirty (30) days; noted if tonight's request is passed w/o approval (by the health department), the applicant will not be able to initiate anything to the building until approval is attained
- Supervisor Campbell: Provided highlights on the process required for testing by the certified soil specialist, VDOT and health department requirements; applicant will be required to improve the entrance if a decision is made to build a hotel on the property site; recommended that the applicant be allowed to start working on his house; noted that VDOT has authorized the applicant to utilize the entrance (to the property) as is; noted that the certified soil specialist will have to approve the work that's completed (as requested by aforementioned agencies)
- Supervisor Weakley: Noted VDOT has approved the request; questioned if a time frame should be established (i.e. ninety days) for the applicant to get the necessary work done on the dwelling and to initiate oversight to ensure the work is completed
- Supervisor McGhee: Verbalized concerns with excluding recommendations made by the planning commission; questioned whether there is anything the County can do to prevent the 'slowing down' of the Madison Health Department; feels the Board can grant the permit as 'best we can'

Ms. Grayson, Zoning Administrator, advised that it is her understanding that the applicant can apply for a construction permit through the Madison Health Department.

Mr. Hochstetler, applicant, noted that he has applied for a construction and repair permit, and is waiting; he also noted that plans are to rent the dwelling.

Ayes: Jackson, Weakley, Campbell, McGhee. Absent: Hoffman. Nays: (0).

50-14**b. Case No. S-03-17-04: Request by Leonard George Willett and Deanna Carol Padgett.....**

George Willett, applicant, was present to answer any questions pertaining to tonight's request.

Comments from the Board:

- *Supervisor Campbell: Questioned if the applicant was aware that when the property is subdivided, it can remain in land use (i.e. due to land use acreage requirements), but will be taxed on the additional home site; suggested all applicants be advised of the County's guidelines regarding subdivision request(s)*
- Mr. Willett, applicant, advised an understanding that he will be taxed for two (2) home sites due to a subdivision of the property.

Ms. Grayson, Zoning Administrator, advised that the applicant was referred to the Commissioner of the Revenue for advisement regarding guidelines involved with the land use program.

Supervisor Campbell moved the Board approve Case No. S-03-17-04 as recommended ley moved the Board approve Case No. S-01-17-04 as recommended by the Madison County Planning Commission, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee. Absent: Hoffman. Nays: (0).*

4. Information/Correspondence**Upcoming Budget Work Session**

Chairman Jackson advised of the budget work session scheduled for tomorrow at 2:00 p.m.

The County Administrator advised that the Finance Director is ill; in the event she is unable to attend tomorrow, updates on budget spreadsheets will not be provided as planned – may need to be discussed during the remaining budget work sessions.

Chairman Jackson advised there is additional business that the Board will need to discuss at tomorrow's session.

5. Closed Session (if necessary) - None**6. Adjournment**

With no further action being required, on motion of Supervisor Campbell, seconded by Supervisor McGhee, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, McGhee. Absent: Hoffman. Nays: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: March 14, 2017

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda
Joint Meeting and Public Hearing
Madison County Board of Supervisors
Wednesday, March 1, 2017 at 7:00 p.m.
Madison County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



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2. Approval of Minutes
3. Action Items:

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b. Case No. S-03-17-04: Request by Leonard George Willett and Deanna Carol Padgett.....

4. Information/Correspondence (if any)
5. Closed Session (if necessary)
6. Adjournment